

REMARKS

Claims 1-25 are pending. No amendments have been made by way of the present submission, thus, no new matter has been added.

In the outstanding Office Action the Examiner has asserted that the present application contains groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1 Therefore, the Examiner has requested that Applicants select one of the following Groups pursuant to 35 U.S.C. 121 and 372 (it is noted that there is no Group V in the Examiner's set of Groups):

- Group I: claims 1-5, 24 and 25, drawn to a modified PQQGDH wherein position 192 of the amino acid sequence of SEQ ID NO:1 is modified;
- Group II: claims 1, 2, 6-8, 24 and 25, drawn to a modified PQQGDH wherein positions 192 and 167 of the amino acid sequence of SEQ ID NO:1 is modified;
- Group III: claims 1, 2, 9-11, 24 and 25, drawn to a modified PQQGDH wherein positions 167 and 452 of the amino acid sequence of SEQ ID NO:1 is modified;
- Group IV: claims 1, 2, 12-14, 24 and 25, drawn to a modified PQQGDH wherein positions 192 and 452 of the amino acid sequence of SEQ ID NO:1 is modified;
- Group VI: claims 1, 2, 15-17, 24 and 25, drawn to a modified PQQGDH wherein position 193 of the amino acid sequence of SEQ ID NO:1 is modified;

Group VII: claims 1, 2, 18, 19, 24 and 25, drawn to a modified PQQGDH comprising the amino acid sequence of SEQ ID NO:3; and

Group VIII: claims 20-23, drawn to DNA, vector and transformant encoding the modified PQQGDH of claim 1.

Applicants respectfully traverse. Applicants submit that the present claims all relate to a modified PQQGDH and thus all share the same or corresponding special technical feature under PCT Rule 13.2. Moreover, there exists no undue administrative burden for the Examiner to search and consider all claims.

At the very least the Examiner should search the present modified PQQGDH of Groups I, II, III, IV and VI as set forth in the Office Action. Each of these Groups encompasses a modified PQQGDH having high selectivity for glucose compared with the wild type water-soluble glucose dehydrogenase. Thus, not only do the Groups encompass common structure, but also common function. Therefore, the Examiner is urged to search and consider the combined subject matter of Groups I, II, III, IV and VI.

However, in order to be fully responsive to the outstanding Unity of Invention Rejection, **Applicants hereby elect Group I, claims 1-5, 24 and 25, drawn to a modified PQQGDH wherein position 192 of the amino acid sequence of SEQ ID NO:1 is modified.** This is an election with traverse for the reasons discussed above. Applicants urge the Examiner to consider the common structure and function of the subject matter of Groups I, II, III, IV and VI in the event that he decides to search only Group I.

Based upon the above, favorable action on the merits is respectfully solicited.

Application No.: 10/520,126

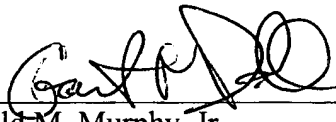
Docket No.: 3691-0114PUS1

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Registration No 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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